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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

New international humanitarian order

Report of the Secretary-General

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I. INTRODUCTION

1. At its forty-seventh session, the General Assembly, in its resolution 47/106 of 16 December 1992, taking note of the reports of the Secretary-General, 1/ urged Governments as well as governmental and non-governmental organizations that had not yet done so to provide their comments and expertise to the Secretary-General regarding the humanitarian order and the report of the Independent Commission on International Humanitarian Issues. The Assembly invited Governments to make available to the Secretary-General, on a voluntary basis, information and expertise on humanitarian issues of concern to them in order to identify opportunities for future action. It called upon Governments, the United Nations system and intergovernmental and non-governmental organizations further to develop international cooperation in the humanitarian field and reiterated that international cooperation in that field would facilitate better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world. The Assembly invited the Independent Bureau for Humanitarian Issues to continue and further strengthen its essential role in following up the work of the Independent Commission and encouraged the international community to contribute substantially and regularly to the international humanitarian activities required to promote a new humanitarian order. The Assembly requested the Secretary-General to remain in contact with Governments as well as governmental and non-governmental organizations and the Independent Bureau for Humanitarian Issues and to report on the progress made by them to the Assembly at its forty-ninth session. It also decided to review at its forty-ninth session the question of a new international humanitarian order.

2. Pursuant to the provisions of the aforementioned resolution, the Secretary-General on 15 February and 9 June 1994 addressed communications to Governments requesting their contributions, views or information on the progress made by them in implementation of the resolution. Inquiries were also addressed to specialized agencies of the United Nations system, intergovernmental and non-governmental organizations and to the Independent Commission for Humanitarian Issues.

3. As at 4 October 1994, comments on the topic had been received from the Governments of Croatia, Ethiopia and Zambia. Comments were also received from the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the secretariat of the League of Arab States (LAS) and from the International Federation of Red Cross and Red Crescent Societies. The text of these replies are reproduced in the annexes to the present report.

II. REVIEW OF THE QUESTION OF A NEW INTERNATIONAL HUMANITARIAN ORDER

4. The item entitled "New international humanitarian order" was first included in the agenda of the thirty-sixth session of the General Assembly. At that session, the Assembly, in resolution 36/136 of 14 December 1981, requested the

Secretary-General to seek the views of Governments on the proposal for the promotion of a new international humanitarian order.

5. In pursuance of resolutions adopted by the General Assembly on this question since 1981, the Secretary-General has been regularly transmitting to the Assembly views or information from Governments and organizations on questions relating to their respective humanitarian concerns.

6. In reviewing the question of a new humanitarian order, as called for by the General Assembly in paragraph 9 of its resolution 47/106, the Secretary-General wishes to draw the attention of Governments to recent important efforts that have been made by the United Nations in order to respond more effectively to challenges posed by the increasing number and complexity of humanitarian emergencies world wide and to promoting the respect of human rights. These efforts are consistent with the basic provisions of the resolutions of the Assembly in promoting a new international humanitarian order.

7. In this context, it will be recalled that at its forty-sixth session, the General Assembly adopted resolution 46/182, entitled "Strengthening of the coordination of emergency humanitarian assistance of the United Nations", in which it called for the establishment of a new framework for international cooperation in the field of emergency humanitarian assistance. Subsequently, in April 1992, pursuant to the aforementioned resolution, the Secretary-General established the Department of Humanitarian Affairs headed by an Under-Secretary-General who also serves as the Emergency Relief Coordinator for humanitarian activities of the United Nations and related organizations.

8. The Emergency Relief Coordinator, supported by the Department of Humanitarian Affairs works closely with the operational agencies of the United Nations and Governments, both donor and recipient countries, in facilitating a timely and comprehensive response to humanitarian crises around the world. New mechanisms for strengthening the coordination of emergency humanitarian assistance include the Inter-Agency Standing Committee, which is chaired by the Emergency Relief Coordinator and is composed of the executive heads of the United Nations operational agencies, ICRC and intergovernmental and non-governmental organizations; a US$ 50 million Central Emergency Revolving Fund for utilization by operational organizations at the early stages of an emergency, and the consolidated appeal process to assess the needs of an emergency situation and prepare a response strategy.

9. Furthermore, since the adoption of General Assembly resolution 46/182, more systematic efforts have been initiated to enhance the role of the United Nations to serve as an advocate for humanitarian principles and mandate. These include promoting the human dimension of crisis situations, negotiating access of relief supplies to the affected populations, protecting relief personnel and emphasizing the adverse and unintended effects of sanctions upon vulnerable groups. More recently, the United Nations has also been actively involved in addressing humanitarian aspects of post-conflict reconstruction, including reintegration of refugees and internally displaced persons, mine-clearance and demobilization of former combatants, as well as developing durable solutions to humanitarian crises.

10. Efforts have also been made to strengthen public understanding of, and support for humanitarian assistance activities including promoting respect for the principles and rules of international humanitarian law. A more systematic analysis of humanitarian problems has been applied which provides for a comprehensive examination of economic, environmental, social, political and other relevant factors which may precipitate a humanitarian crisis or affect its development.

11. In his annual report entitled "Strengthening of the coordination of emergency humanitarian assistance of the United Nations" (A/49/177 and Add.1), submitted to the General Assembly at its present session, the Secretary-General outlined recent efforts of the United Nations system to respond to the extraordinary challenges presented by the complexity and range of the humanitarian emergencies. In addition, the Secretary-General has also submitted reports on humanitarian assistance provided to Angola, Azerbaijan, Liberia, Mozambique, Rwanda, Somalia and the Sudan, in which he highlighted the specific humanitarian problems of those countries as well as United Nations efforts to address those problems in a comprehensive manner.

12. Further, following recommendations made at the World Conference on Human Rights, the General Assembly in resolution 48/141 of 20 December 1993, established the post of United Nations High Commissioner for Human Rights with a mandate that spans the whole range of human rights concerns.

13. In the light of the developments outlined above, key aspects relevant to the development of a new humanitarian order are not being comprehensively addressed within the new framework established pursuant to General Assembly resolution 46/182 and subsequent related resolutions for strengthening the capacity of the United Nations system to respond to humanitarian emergencies.

14. Bearing in mind the measures taken over the past few years by the General Assembly to rationalize and streamline its agenda and to avoid duplication of efforts, Member States may wish to review the necessity of receiving separate reports of the Secretary-General on this question under a separate agenda item, as provided by the Assembly in its decision 48/431 of 20 December 1993. The Secretary-General will include all relevant information in subsequent reports submitted to the Assembly covering humanitarian issues and human rights concerns under the appropriate items of its agenda.

Notes

1/ A/37/145, A/38/450, A/40/348 and Add.1 and 2, A/41/472, A/43/734 and Add.1, A/45/524 and A/47/352.

ANNEX

Replies received from Governments, specialized agencies and intergovernmental and other organizations

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I. REPLIES RECEIVED FROM GOVERNMENTS

CROATIA

[28 June 1994]

1. The Republic of Croatia is concerned about widespread violations of international humanitarian law and stresses the need to strengthen international responses to growing human suffering and to undertake international action in order to alleviate this suffering. It is important to specify the role of the international community in ensuring respect for international humanitarian law and its reaction in a situation when a party or parties to a conflict deliberately violates the principles and rules of international humanitarian law.

2. It is important to examine the manner and type of cooperation of States within the United Nations or other international forums in the event of serious violations of international humanitarian law and to provide a mechanism for redoubling the efforts of the international community to protect and assist victims of conflict.

3. The Republic of Croatia has accepted a large number of refugees from the Republic of Bosnia and Herzegovina and has at the same time encountered shortcomings in international mechanisms for the protection of refugees and displaced persons and the ineffectiveness of burden-sharing arrangements. Notably, there is a moral obligation for other countries to help only the first recipient country in taking care of refugees. Consequently, the international community - States acting jointly or through the United Nations - must consider appropriate measures to lighten the burden of the first recipient State in taking care of refugees and to achieve a greater degree of international cooperation in this area.

ETHIOPIA

[6 July 1994]

The Transitional Government of Ethiopia strongly supports the United Nations in promoting the following activities, which are of special concern to the Ethiopian authorities in relation to the question of the new international humanitarian order: alleviation of the ever-escalating problem of poverty and famine; the question of human development, which should be given due attention in every development endeavour and in the activities of international financial institutions; conflict prevention and resolution; the close study of the question of the world's high number of refugees and displaced people, in order to look for durable solutions; further strengthening international and regional cooperation, the reduction and diversion of the world's military expenditure to the development of the developing countries; the utilization of creative initiatives to deal with the question of unemployment; and enhancing the role of the United Nations in international economic activities.

ZAMBIA

[17 June 1994]

1. The Government of Zambia is convinced that solving humanitarian problems requires international cooperation and the harmonization of actions taken by Governments and intergovernmental and non-governmental organizations, as well as by individuals. The Government of Zambia also recognizes with concern the continuing need to strengthen further international responses to growing humanitarian challenges and to undertake creative humanitarian action at the international, regional and national levels to alleviate human suffering and to promote durable solutions to humanitarian problems.

2. There must be increased concerted efforts by all Members of the United Nations to implement the Convention on the Rights of the Child to ensure the protection of the child from poor nutrition, disease and abuse and that the rights of the child to basic needs, including food, clothing, shelter, health and education, are respected and prioritized in national policies.

3. The international community should respond positively to the civil war situations existing in developing countries which have resulted in the displacement of millions of people, including children, women and the disabled, who are the most affected.

II. REPLIES RECEIVED FROM SPECIALIZED AGENCIES

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[4 August 1994]

1. In addition to its cooperation with the Department of Humanitarian Affairs of the Secretariat, UNESCO aims in its contribution to international cooperation in the humanitarian field at facilitating better understanding, mutual respect, confidence and tolerance among individuals and in society as a whole. UNESCO activities for the promotion of a "culture of peace" and the comprehensive programme the Secretariat is developing for the United Nations Year for Tolerance (1995), proclaimed by the General Assembly, are most relevant in this context, to the extent that they aim to contribute to lasting solutions to some deep-rooted problems. The emphasis is put on elaboration of anticipatory educational strategies with a view to preventing the outbreak of violent conflict and the related human rights violations. For instance, the organization is now carrying out a culture of peace programme in El Salvador in order to reconcile and reconstruct the society in that country, and is establishing a similar programme in Mozambique, which will be carried out in cooperation with other United Nations organizations. The El Salvador and Mozambique programmes may be expanded subsequently at the subregional level.

2. UNESCO also promotes research in international law as it relates to humanitarian issues and improved exchange of information on, and dissemination of, international humanitarian law.

3. In the promotion of international law and humanitarian law (including such concepts as the "right to be assisted" and the "rights of future generations"), which are relevant to a new international humanitarian order, UNESCO will, inter alia, organize in cooperation with the United Nations an international workshop as a contribution to the United Nations Decade of International Law and implement the World Plan of Action on Education for Human Rights and Democracy adopted by the Montreal Congress (March 1993) and endorsed in the Vienna Declaration and Programme of Action.

4. As regards humanitarian assistance, UNESCO activities bear primarily on education for refugees and displaced persons in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), on reconstruction and rehabilitation in its fields of competence, and prevention and mitigation of the risks and consequences of natural disasters, especially in the framework of the International Decade for Natural Disaster Reduction.

5. In 1993 UNESCO initiated a scheme of humanitarian assistance for refugee education, which is a comprehensive education programme for refugees and displaced persons using all its components (e.g., educational programmes, materials, personnel, managers) to cope, at the same time, with specific emergency needs of the target groups, and to provide basic education in the spirit of equal educational opportunity, with a view to preparing the reconstruction process.

6. Together with other organizations of the United Nations system, UNESCO has participated in emergency assistance programmes and reconstruction operations (including rehabilitation of schools) in the field of education in such countries as Afghanistan, Albania, Angola, Bosnia and Herzegovina, Cambodia, Croatia, Iraq, Lebanon, Mozambique and Somalia, as well as the occupied Arab territories. A special programme has since been developed for assistance to the Palestinian people.

WORLD HEALTH ORGANIZATION

[11 July 1994]

Right to health

1. The right to health is one of the fundamental human rights and is included in all human rights laws, the International Bill of Human Rights, humanitarian law, the Refugee Law and the WHO Constitution. Despite severe economic constraints, substantial progress in the global health indicators continue to be recorded, especially infant mortality and life expectancy rates. Nevertheless, the health for all as a basic human right remains for a large number of people, especially the most vulnerable groups, not materialized. Global economic recession, poverty, failure of developmental policies, political transformation, human rights violations, overpopulation, uncontrolled urbanization, global militarization, environmental degradation (air pollution, chemical desertification and destructive land use), natural and man-made disasters are responsible for the deterioration of global socio-economic environment of

health. Inequities between and within countries continue to affect developing countries negatively, especially the vulnerable groups. To face this global picture, WHO is undertaking the necessary measures to cope with the new challenge.

Special challenges

New diseases: the emerging pathogens

2. The pandemic of human immunodeficiency virus (HIV) continues to challenge international health. In total, WHO estimates that 15 million men, women and children in the world were infected with HIV by late 1993, mainly through heterosexual transmission. Conservatively, WHO projects that by the year 2000 a world total of at least 30 million men, women and children will have been infected with HIV since the start of the pandemic. By the end of the 1990s nearly 10 million deaths related to acquired immunodeficiency syndrome (AIDS) may be expected, most of them in developing countries. In central and eastern African countries, 30-35 per cent of the sexually active age group (15-40 years) are infected with HIV. Deaths as a result of HIV in these countries will negatively affect economic development and population growth patterns and will increase the disaster vulnerability of these countries in the coming years. WHO responds to WHA42.33 (1989) through cooperation with national programmes, intervention development and support, facilitating HIV research, programme direction, the evolution of global AIDS strategy and collaboration within the United Nations system.

Old communicable diseases

3. Because of the deterioration of the global socio-economic environment of health, some well-known diseases are recurring in dimensions and forms that represent a great challenge to global health. Especially following natural and man-made disasters, diseases that were thought to be under control flare up. Although important progress has been achieved in many fields, especially reaching high levels of vaccination coverage for tetanus, poliomyelitis and measles, and in reducing measles and neonatal tetanus morbidity and mortality, vaccine-preventable diseases continue to threaten the life of internally displaced persons. Cholera and diarrhoeal disease flare after disasters because of breakdowns of water and sanitation services. Nevertheless, two old diseases, malaria and tuberculosis, have remained on the priority list of global diseases in the past few years.

Disasters

4. WHO is trying, within the United Nations system, to provide 29 countries with emergency assistance for over 30 million affected persons in Asia, Africa, the Caucasus, the former Yugoslavia and Central America. The dual spectre of violence and starvation because of drought and civil and ethnic strife is threatening many millions in Rwanda, Burundi, Zaire, Liberia, southern Sudan and Somalia. General Assembly resolution 46/182 of 19 December 1991 represents the main instrument of policy coordination within the United Nations system.

Response activities include emergency health needs assessment (within the inter-agency action of the United Nations), strengthening national health services, sanitation and piped water services, epidemiological surveillance, stockpiling of essential drugs, training of national staff, implementation of vertical programmes for disease control, vector control and rehabilitation of community hospitals.

5. Preparedness activities include provision of technical guidance; support to Member States for the development of programmes for emergency mitigation and preparedness planning; promotion of the goals and objectives of the International Decade for Natural Disaster Reduction; coordination of implementation of health-related projects adopted by the scientific and technical committees of WHO; and education and training in disaster management.

6. WHO action in emergencies is regulated by the WHO Constitution, which states that: WHO will "act as the directing and coordinating authority on international health work" and will "furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of Governments". The Constitution also mandated WHO "to provide, or assist in providing, upon the request of the United Nations, health services and facilities to special groups".

7. The World Health Assembly (WHA) has responded to the globalization of disasters by a series of resolutions:

(a) Resolution WHA34.26 (1981) emphasizes the importance of preventive measures and emergency preparedness, and reaffirms the role of WHO as the lead United Nations agency in health aspects of disaster preparedness;

(b) Resolution WHA38.29 (1985) recognizes the need for an integrated response linking emergency health measures with long-term development. It also charges WHO with the technical responsibility for strengthening the health preparedness and response capacity of its Member States;

(c) Resolution WHA42.16 (1989) calls upon the Director-General to support the International Decade for Natural Disaster Reduction and to develop a WHO programme for this United Nations initiative;

(d) Resolution WHA45.21 (1992) urges the Director-General to give high priority to specific countries and to coordinate these and other WHO efforts in emergency preparedness and humanitarian assistance with the humanitarian affairs programme of the United Nations system.

Early warning

8. Many kinds of human, economic and environmental activities do not respect international boundaries: human (refugee waves, illegal emigration), economic (recession), environmental (global weather changes might be moving tropical vectors into new temperate zones, taking viruses like dengue and a variety of encephalitis into new latitudes). Droughts, cyclones, earthquakes, desertification, air pollution, acid rains, nuclear radiation and chemical and industrial accidents and old and emerging pathogens also belong to this

category; the pandemic of AIDS serves as a vivid example of an emerging disease. The mechanism of the evolution of HIV infection makes clear that new pathogens can and will arrive. The threat of well-known diseases is far from being eliminated. Tuberculosis is again on the rise, together with the spread of HIV. Malaria is becoming one of the main killers in many areas of the world, and is recorded spreading world wide. Therapy-resistant strains of pathogens are appearing. Following natural and man-made disasters, epidemics of measles, tetanus, tuberculosis and other vaccine-preventable diseases are occurring, as well as plague, hepatitis and cholera.

9. Resolution WHA46.6 (May 1993) emphasizes the need "to strengthen WHO's capacity for early warning of disasters in general, and disease epidemics in particular, complementing the early warning mechanisms put in place by the United Nations system". The national health surveillance system is the building unit of the global early warning system. The global early warning system must not only collect, analyse and disseminate information on diseases but should also support the creation of a global network of referral laboratories, especially within the WHO collaborating centres network, to verify diagnoses of old and emerging diseases. The system must also have resources of immediate response to early warning signals. Non-governmental organizations and media could be important resources for both WHO global early warning and response systems.

III. REPLIES RECEIVED FROM INTERGOVERNMENTAL AND OTHER ORGANIZATIONS

LEAGUE OF ARAB STATES

[28 April 1994]

1. The new international humanitarian order should oblige States to recognize human rights in their constitutions in order to ensure constitutional protection of human rights from any encroachment thereon.

2. The new international humanitarian order should emphasize, in particular, the need for the universal application of the right to self-determination in the case of peoples living under foreign occupation or domination.

3. New developments with a tangible humanitarian dimension necessitate a review of the international humanitarian order and the formulation of a new strategy to deal with humanitarian issues in a realistic and committed manner within the framework of a new international humanitarian order that has no adverse consequences for human society and ensures respect for the cultural identity of peoples and nations.

4. For the new international humanitarian order to function effectively, firm confidence-building measures must be taken by endowing it with realistic objectives and a practical approach to international issues and human rights in order to promote the well-being of mankind as a whole by formulating universal aims with broad horizons. Governments will have a vitally important role to

play in this regard and private and voluntary organizations will also have a far from negligible role.

5. With regard to the working mechanism of the international humanitarian order, since it is to be formulated through collective participation it should also be put into effect collectively through joint participation by governmental and private institutions in its establishment, monitoring and application with a view to the achievement of the joint aims of mankind as a whole.

6. The new international humanitarian order must improve the management and control the consequences of disasters through a special covenant providing for the legislative, administrative and financial measures needed to that end and also through the establishment of a central body to undertake that task in collaboration with all the countries of the world.

7. The new international humanitarian order which we are seeking to achieve must constitute a humanitarian code that meets the needs of individuals and respect the rights of groups. This order should tackle all the disparities and fill all the gaps in such a way as to achieve harmony and peace for all mankind by dealing with the various economic, social, cultural, political, civil and other aspects of humanitarian issues without any distinction among nations. It should promote solidarity based on joint action to further the common interests of all mankind, develop human society and promote the well-being of all in a spirit of justice, equality and mutual respect.

INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

[24 August 1994]

1. All activities of the Red Cross and Red Crescent Societies are related to promoting a humanitarian order.

2. The Red Cross and Red Crescent Societies cooperate with most if not all United Nations agencies that work in the humanitarian field and particularly with the Department of Humanitarian Affairs in sharing experiences in an attempt to work more effectively and efficiently.

3. During 1993 and 1994, the International Federation, with its world-wide network of members, published several reports and documents which were used to promote the objectives set out in General Assembly resolution 47/106.

4. The most important contributions are as follows: World Disaster Report, 1993; World Disaster Report, 1994; Code of Conduct in Disaster Relief for the Red Cross and Red Crescent Movement and NGOs; a study on child soldiers; a discussion paper on "Assistance to victims of antipersonnel mines".